

Introduced by Senator Cox

February 19, 2010

An act to add Section 697.335 to the Code of Civil Procedure, relating to liens.

LEGISLATIVE COUNSEL'S DIGEST

SB 1276, as introduced, Cox. Public utility liens.

Existing law allows a public utility to obtain a judgment lien on real property for unpaid utility charges. Existing law requires the judgment lien to be filed against the real property owner who incurred the charges. Unless the money judgment is satisfied or the lien is released, a judgment lien continues with the property for 10 years. Existing law also provides that a lien for charges for water, sanitation, storm drainage, or sewerage systems services and facilities, of certain municipal utility entities, shall have the force, effect, and priority of a judgment lien when a certificate specifying the amount of unpaid charges is recorded with the county recorder.

This bill would require the trustee or mortgagee of a defaulted deed of trust mortgage on real property to satisfy any existing judgment liens, as provided, filed by a public utility of any city, county, or city and county against the judgment debtor prior to sale of the real property.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 697.335 is added to the Code of Civil
- 2 Procedure, to read:

1 697.335. (a) If the judgment debtor defaults on a deed of trust
2 or mortgage on real property, the trustee or mortgagee shall satisfy
3 any existing judgment liens filed by a public utility of any city,
4 county, or city and county prior to sale of the real property.
5 (b) For purposes of this section judgment liens include those
6 liens filed in accordance with the provisions of Section 54354 of
7 the Government Code and Section 5473.11 of the Health and Safety
8 Code.

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